

MANDATE

S.D.N.Y.-N.Y.C.
21-mc-92
Scheidlin, J.
Pitman, M.J.

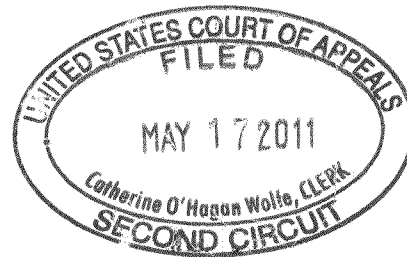
United States Court of Appeals
FOR THE
SECOND CIRCUIT

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 07/13/2011

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 17th day of May, two thousand eleven,

Present:

Ralph K. Winter,
Rosemary S. Pooler,
Barrington D. Parker,
Circuit Judges.



In re IPO Securities Litigation

09-4555-cv (L)
09-4625-cv (Con)
09-4787-cv (Con)
10-1836-cv (Con)
10-2888-cv (Con)
10-3142-cv (Con)

Objectors-Appellants Phyllis Tafuri, *et al.*, and Helen Thompson, *et al.*, move for permission to file an amended brief and to omit the appendix to their brief. Plaintiffs-Appellees move to dismiss the appeals in docket numbers 09-4625-cv, 09-4787-cv, 10-1836-cv, 10-2888-cv, and 10-3142-cv. Upon due consideration, it is hereby ORDERED that Objectors-Appellants' motion for permission to file an amended brief is DENIED for failure to comply with this Court's prior order entered on November 1, 2010. *See* U.S.C.A. Dkt. No. 09-4555 at 11/1/2010 entry (Order). It is further ORDERED that Objectors-Appellants' motion to omit the appendix is DENIED. *See* Fed. R. App. P. 30(f); Local Rule 30.1(e). Objector-Appellant Hayes, *pro se*, moves for leave to file an "amicus opposition" to Plaintiffs-Appellees' motion to dismiss the appeals in docket numbers 09-4625-cv, 10-1836-cv, and 10-2888-cv. Upon due consideration, it is ORDERED that the motion is GRANTED.

SAO-GK

MANDATE ISSUED ON 07/12/2011

It is further ORDERED that Plaintiffs-Appellees' motion to dismiss the appeals in docket numbers 09-4625-cv, 10-1836-cv, and 10-2888-cv with respect to objectors-appellants Christian McTurk, Allen Morrow, Tim Eldred, Don Franke, David Chapman, Joseph and Cheryl Zazzaretti, John Fox, Michael MacMurdy, and James J. Hayes is GRANTED because counsel of record for those objectors-appellants was not authorized to file appeals on their behalf or otherwise represent them in connection with these appeals. It is further ORDERED that, with respect to the remaining objectors-appellants in docket numbers 09-4625-cv, 10-1836-cv, and 10-2888-cv, Plaintiffs-Appellees' motion to dismiss for failure to comply with Federal Rule of Appellate Procedure 28 is GRANTED.

It is further ORDERED that the matters under appeal in docket numbers 09-4787-cv and 10-3142-cv are REMANDED to the district court to determine whether *pro se* Objector-Appellant Hayes is a class member.

During the course of these appeals, Attorney Theodore Bechtold admitted that he repeatedly missed deadlines set by this Court and failed to serve opposing counsel in a timely fashion. U.S.C.A. Dkt. No. 09-4555-cv, 12/20/2010 entry, at 2. He also admitted to filing certificates of service of certain documents upon opposing counsel, despite having failed to serve opposing counsel with those documents. *Id.* at 2, 8. In addition, Plaintiffs-Appellees allege that Bechtold revealed confidential Civil Appeals Management Plan conference communications. *See id.* at 4; U.S.C.A. Dkt. No. 09-4555-cv, 12/30/2010 entry, at 4-6. Accordingly, it is ORDERED that Attorney Bechtold is referred to this Court's Grievance Panel.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A circular seal of the United States Court of Appeals, Second Circuit, is partially visible behind the handwritten signature of Catherine O'Hagan Wolfe.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

A circular seal of the United States Court of Appeals, Second Circuit, is partially visible behind the handwritten signature of Catherine O'Hagan Wolfe.